



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HEADQUARTERS, UNITED STATES ARMY GARRISON
FORT IRWIN, CA 92310-5000

IMSW-IRW-ZA (AR 600-20)

13 March 2006

FORT IRWIN
SEXUAL ASSAULT PREVENTION AND RESPONSE PROGRAM
STANDING OPERATING PROCEDURES (SOP)

1. Purpose: To establish written procedures for the prevention, investigation, and treatment of sexual assault involving members of the Armed Forces.
2. Applicability: This SOP applies to active duty military personnel assigned to Fort Irwin, both on and off post and during duty and non-duty hours in working, living, and recreational environments (including both on- and off-post housing).
3. References:
 - a. AR 600-20, Chapter 8, Army Command Policy, revised final draft September 2005
 - b. AR 608-01, Army Community Service, 22 December 2004
 - c. AR 608-18, The Family Advocacy Program, 27 September 2004
 - d. ALARCT 176/2004 Interim Guidance – Army Sexual Assault Prevention and Response Program
 - e. MEDCOM Regulation AR 40-36 – Medical Facility Management of Sexual Assault, December 2004
 - f. AR 27-10 – Military Justice – Chapter 18 – Rights of Crime Victims, 6 September 2004
 - g. CA Penal Code Section 11160 “Healthcare Provider Mandatory Reporting”
4. Scope:
 - a. The Department of Defense (DoD) is committed to eliminating sexual assault in all its forms. Sexual assault and abuse is incompatible with military values. It is morally and legally wrong and it attacks the core of well-being and personnel readiness. The overall goal of the Sexual Assault Prevention and Response Program (SAPRP) is to

raise community awareness, be supportive of victims and their families, and hold offenders accountable.

b. Several organizations are involved in addressing sexual assault on the installation. Thus, it is imperative that installation personnel understand their roles and responsibilities and follow procedures in order to raise awareness, prevent sexual assault, promote a coordinated and effective response, support victims, and maximize efficient use of installation resources.

5. Definitions:

a. Sexual assault is defined as intentional sexual contact, characterized by use of force, physical threat, or abuse of authority, or when the victim does not or cannot consent. Sexual assault includes rape, nonconsensual sodomy (oral or anal sex), indecent assault (unwanted, inappropriate sexual contact or fondling), or attempts to commit these acts. Sexual assault can occur without regard to gender or spousal relationship or age of the victim.

b. Confidential reporting is defined as allowing a member of DoD to report a sexual assault to specified individuals. This reporting option gives the member access to medical care, counseling, and victim advocacy without initiating the investigative process.

(1) Restricted reporting allows a sexual assault victim, on a confidential basis, to disclose the details of the assault to specifically identified individuals and receive medical treatment and counseling without triggering the official investigative process. These specifically identified individuals are the Sexual Assault Response Coordinator (SARC), Installation Victim Advocate (IVA), Unit Victim Advocate (UVA), and the Chaplain. Pursuant to CA Penal Code 11160, communications with healthcare providers by victims of sexual assaults must be reported. Health care providers on post will comply with California law and report to local law enforcement off post, but not to military authorities. The OSJA will request that local law enforcement not report the sexual assault for restricted reporting cases back to military authorities. Victims will be notified that there is no "strict" confidential communication available for victims of sexual assault to medical care providers in the state of California in accordance with AR 600-20, Appendix H-6a(5).

(2) Unrestricted reporting allows a sexual assault victim to use current reporting channels i.e. chain of command, law enforcement, or the SARC to initiate an official investigation, seek medical treatment, and counseling.

6. General: Installation procedures for assisting the individuals who become victims of sexual assault.

7. Responsibilities:

a. Garrison Commander will ensure that a Sexual Assault Prevention and Response Program (SAPRP) is IAW AR 600-20 Chapter 8.

b. The Installation Department of Emergency Services (DES) will respond to all incidents of sexual assault reported to law enforcement and comply with AR 600-20 Chapter 8.

c. Criminal Investigation Division (CID) will establish criminal investigation policies and procedures for investigating incidents of sexual assault that are IAW 600-20 Chapter 8.

d. The Family Advocacy Program Manager (FAPM) will provide operational oversight of the SAPRP IAW AR 600-20 Chapter 8.

e. The Sexual Assault Response Coordinator (SARC) will serve as the designated program manager of victim support services who coordinates and oversees local implementation and execution of the SAPRP IAW AR 600-20 Chapter 8.

f. Installation Victim Advocate (IVA) will provide crisis intervention, referral, and ongoing non-clinical support to the sexual assault victim and other duties IAW AR 600-20 Chapter 8 as directed by the SARC.

g. The Unit Victim Advocate (UVA) will provide crisis intervention, referral, and ongoing non-clinical support to the sexual assault victim and other duties IAW AR 600-20 Chapter 8 as directed by the IVA.

h. The Deployable Sexual Assault Response Coordinator (DSARC) will ensure overall management of sexual assault awareness, prevention, training, and victim advocacy during deployment IAW AR 600-20 Chapter 8.

i. Commanders will take immediate steps to ensure the victim's physical safety, emotional security and medical treatment needs are met and that the SARC and appropriate law enforcement/criminal investigative service are notified and all other duties IAW AR 600-20 Chapter 8.

j. Office of the Staff Judge Advocate (SJA) will comply with AR 600-20 Chapter 8 and provide a representative with appropriate experience and level of expertise to serve on the Sexual Assault Review Board (SARB).

k. Weed Army Community Hospital (WACH) Commander will act IAW guidance from DoD and the Office of the Surgeon General, implement the new policies regarding restricted and unrestricted reporting of AR 600-20 Chapter 8, while ensuring that healthcare providers comply with CA Penal Code Section 11160 by contacting local law

enforcement off post, and provide a representative with appropriate experience and level of expertise to serve on the SARB.

I. Sexual Assault Review Board (SARB):

(1) Will be convened by the Garrison Commander and meet on a monthly basis to review cases, improve reporting, facilitate monthly victim updates, and discuss process improvement to ensure system accountability and victim access to quality services as needed.

(2) Consists of the following military or civilian professionals:

- (a) Installation Commander or his/her representative
- (b) Installation Command Sergeant Major or his/her representative
- (c) Sexual Assault Response Coordinator (SARC)
- (d) Installation Victim Advocate (IVA)
- (e) Criminal Investigation Division (CID)
- (f) Department of Emergency Services (DES)
- (g) Medical Treatment Facility(MTF) Provider
- (h) Behavioral Health Care Provider
- (i) Staff Judge Advocate (SJA)
- (j) Public Affairs Officer (PAO)
- (k) Clinical Director, Army Substance Abuse Program (ASAP)
- (l) Victim's Commander (when appropriate)
- (m) Installation Chaplain

8. Reporting:

a. Unrestricted reporting of sexual assault: The Police Desk (760-380-4444) is the installation 24-hour report point of contact for sexual assault.

b. Restricted reporting of sexual assault is an option where the victim chooses to report the assault without initiating an official investigation. The SARC is the installation report point of contact during normal duty hours.

9. Handling Cases of Sexual Assault:

a. Ensure the physical safety of the victim: determine if the alleged assailant is still nearby and if the victim needs protection.

b. Advise the victim of the need to preserve evidence.

c. Encourage the victim to report the incident and get a medical examination immediately.

- d. Make appropriate administrative and logistical coordination for movement of victim to receive care.
- e. Ask if the victim needs a support person to immediately join the victim.
- f. Notify the SARC.
- g. Notify the Chaplain if the victim requests pastoral counseling or assistance.
- h. Notify the CID, military police, PMO and commanders in the chain of command (as appropriate) within 24 hours.
- i. Ensure the victim is made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.
- j. Ensure the CID notifies victims and witnesses of their rights.
- k. Inform the victim of the resources in theater that are available.
- l. Provide emotional support to the victim.
- m. Flag any Soldier under charges, restraint, or investigation for sexual assault in accordance with AR 600-8-2 and AR 380-67.
- n. Avoid automatic suspension or revocation of the victim's security and/or personnel reliability program clearance, when possible, as the victim can be treated for their related trauma.
- o. Determine how to best dispose of the victim's collateral misconduct.
- p. Update the battalion or higher-level commander on the status of the victim and subject(s) within 14 calendar days, and on a monthly basis thereafter.
- q. Update the victim on a monthly basis on the sexual assault investigation until its final disposition. Furthermore, initiate follow-up with the victim within 45 days after disposition of the case.
- r. Consult with the servicing legal office, criminal investigative organization, and notify the assigned victim advocate prior to taking any administrative action affecting the victim.
- s. Ensure unit personnel are abreast of risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.

10. Treatment and Support for Victims of Sexual Assault: Victims of sexual assault may receive assistance from the following military and civilian resources:

a. Military resources include:

(1) The SARC, (760-380-4474), may be contacted during normal duty hours to provide crisis intervention and/or referral information to the victim, as well as explain restricted vs. unrestricted reporting options.

(2) Social Work Services (SWS) at Fort Irwin (760-380-6302) may be contacted during normal duty hours to provide crisis intervention and/or referral information to the victim, as well as explain restricted vs. unrestricted reporting options.

(3) The Police Dispatcher (760-380-4444) is the 24-hour report point of contact for unrestricted reports of sexual assault.

(4) The WACH (760-380-3114) may be contacted during normal duty hours to provide medical intervention and examination referral to the victim, as well as explain restricted vs. unrestricted reporting options.

(5) Military One Source (1-800-342-9647) is a 24-hour resource available to military personnel and their family members for crisis intervention and/or referral information.

11. Eligibility for SAPRP assistance:

a. Program Eligibility will be IAW Chapter 8 of AR 600-20 and DoD standards.

b. IVA/UVAs may provide services to victims of sexual assaults based on their eligibility for services in the following categories:

(1) Active duty service members regardless of branch of service (i.e. Army, Navy, Air Force, and Marines): Provide crisis intervention, referral, and ongoing emotional support to the victim. Services will be non-clinical in nature. Accompany the victim during medical examinations, investigative interviews, and through the legal process, unless the victim chooses not to use the IVA/UVA's services.

(2) Reserve and Guard when under the authority of the Uniform Code of Military Justice (UCMJ): Provide crisis intervention, referral, and ongoing emotional support to the victim. Services will be non-clinical in nature. Accompany the victim during medical examinations, investigative interviews, and through the legal process, unless the victim chooses not to use the IVA/UVA's services. If victim finishes duty and returns to home of record, coordinate services with an IVA/UVA and community agencies in his/her local community.

(3) Family Members of active duty service members: Provide crisis intervention, referral, and ongoing emotional support to the victim. Services will be non-clinical in nature. Accompany the victim during medical examinations, investigative interviews, and through the legal process, unless the victim chooses not to use the IVA/UVA's services.

(4) Civilian employees of Fort Irwin: Provide crisis intervention and emotional support to the victim during the initial reporting process. Services will be non-clinical in nature. Refer victim to local community services to include law enforcement, an IVA/UVA, shelter, counselors, and/or support groups.

(5) Civilians who are sexually assaulted by active duty service members: Provide crisis intervention and emotional support to the victim during the initial process. Services will be non-clinical in nature. Refer victim to local community services to include law enforcement, an IVA/UVA, shelter, counselors, and/or support groups.

12. Point of contact for this SOP is the undersigned.

A handwritten signature in black ink, appearing to read "C. R. Philbrick", is written over the printed name.

CHRISTOPHER R. PHILBRICK
COL, AV
Commanding

APPENDIX A: Victim Preference Statements
APPENDIX B: Victim Reporting Statement
APPENDIX C: Commander's Checklist

Appendix A

FORT IRWIN
VICTIM REPORTING PREFERENCE STATEMENT

I, _____, had the opportunity to talk with a victim advocate (VA) or a sexual assault response coordinator (SARC) before selecting the following reporting option. (Initials)_____

I know that I can get medical treatment from a military treatment facility. (Initials)_____

I understand that I may have forensic evidence collected without having to officially report the sexual assault; that the forensic evidence may only confirm that sexual intercourse has occurred; and, that without the collection of other physical and testimonial evidence, may have only minimal investigative value. I further understand that, if I have not made an unrestricted report within 1 year of this evidence being collected, it will be destroyed and no longer available for any future investigative or prosecution efforts. (Initials)_____

I also understand for purposes of public safety and command responsibility, the SARC will provide information concerning my sexual assault to the installation command within 24 hours of my report. My identity and that of the offender will remain private. (Initials)_____

Furthermore, I have been informed that by choosing restricted reporting, the full range of protections afforded to victims may not be available, such as being separated from the offender or receiving a military protective order against the offender. (Initials)_____

I also understand that all military members are required to report sexual assaults, except for the sexual assault response coordinator, sexual assault victim advocate, and healthcare provider under the "restricted reporting" option, as well as chaplains that I consult. If I tell anyone other than these people, the information that I provide or concerning my case may be reported to law enforcement for investigation. (Initials)_____

I also understand that all California healthcare providers are required to report sexual assaults. However, the report will be made with local law enforcement off post only and not made available to the military authorities. (Initials)_____

Finally, I further understand that I may change my mind and report this offense at a later time. If I do report this offense at a later time, the delay may harm the investigation and the offender's potential prosecution. If the case goes to court, my victim advocate and others providing care may be called to testify. (Initials)_____

Page 1 of 2

AUTHORITY Section 301 of Title 5 U.S.C. and Chapter 55 of Title 10 U.S.C.

PRINCIPAL PURPOSE(S) Information on this form will be used to document elements of the sexual assault response and/or reporting process and comply with the procedures set up to effectively manage the sexual assault prevention and response program.

ROUTINE USE(S) None

DISCLOSURE Completion of this form is voluntary; however, failure to complete this form with the information requested impedes the effective management of care and support required by the procedures of the sexual assault prevention and response program.

I understand that at times I may be working with another Installation Victim Advocate than the initial one assigned due to other commitments and authorize the Installation Victim Advocate assigned to share my information with the other Installation Victim Advocates to ensure that there is no lag in continuity to my care/services.

Reporting Option Selection

Note: Victim will "X out" and initial at the beginning and end of reporting option NOT selected.

At this time I elect unrestricted reporting and have decided to report that I am a victim of sexual assault to my command, law enforcement personnel, or other military authorities. (Initials)_____

At this time I elect restricted reporting and have decided not to report that I am a victim of sexual assault to my command, law enforcement personnel, or other military authorities. I understand that by not reporting this offense, the information I provide will not trigger an investigation or be used to hold an offender accountable. (Initials)_____

To the best of my knowledge, the offender does not pose a threat to the health or safety of the victim or anyone else. (VA initials)_____

Restricted Report Case Number (if applicable) _____

(Signature of SARC/Victim Advocate)

(Date)

I have reconsidered my previous option of Restricted Reporting, and I would like to make an "Unrestricted Report" of my sexual assault to authorities for a possible investigation.

(Signature of Victim)

(Date)

(Signature of SARC/Victim Advocate)

(Date)

Appendix B

FORT IRWIN
VICTIM REPORTING STATEMENT

I, _____, had the opportunity to talk with a victim advocate (VA) or a sexual assault response coordinator (SARC). (Initials) _____

I know that I can get medical treatment from a military treatment facility. (Initials) _____

I understand that I may have forensic evidence collected; that the forensic evidence may only confirm that sexual intercourse has occurred; and, that without the collection of other physical and testimonial evidence, may have only minimal investigative value. (Initials) _____

I also understand for purposes of public safety and command responsibility, the SARC will provide information concerning my sexual assault to the Garrison Command within 24 hours of my report. (Initials) _____

I understand that since the sexual assault was reported to a non-confidential source that it is now an unrestricted report IAW Chapter 8, AR 600-20. (Initials) _____

I understand that at times I may be working with another Installation Victim Advocate than the initial one assigned due to other commitments and authorize the Installation Victim Advocate assigned to share my information with the other Installation Victim Advocates to ensure that there is no lag in continuity to my care/services. (Initials) _____

I realize that I have the option of accepting or declining services from an Installation Victim Advocate (IVA) and Unit Victim Advocate (UVA -a trained service member available for additional support).

At this time I elect the following:

IVA ___Yes ___No

UVA ___Yes ___No

I have elected to change my mind regarding services"

VA ___Yes ___No Initials and date: _____

UVA ___Yes ___No Initials and date: _____

(Signature of Victim)

(Date)

To the best of my knowledge, the offender does not pose a threat to the health or safety of the victim or anyone else. (VA initials) _____

(Signature of SARC/Victim Advocate)

(Date)

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ROUTINE USE(S): None

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Appendix C
Sexual Assault Prevention and Response Program

Commander's Sexual Assault Case Checklist

1. _____ Encourage the victim to report the incident and get a medical examination immediately (even if the incident occurred prior to the past 72 hours).
2. _____ Make appropriate administrative and logistical coordination for movement of victim to receive care. (Involve the minimum number of personnel possible and only on a need-to-know basis).
3. _____ Notify the Criminal Investigation Command and Provost Marshal (per AR 195-1, paragraph 6).
4. _____ Notify the Chaplain if the victim desires pastoral counseling or assistance.
5. _____ Report the sexual assault incident, within 24 hours of receipt, through the chain of command to the following, if entities have not been notified already notified:
 - _____ Sexual Assault Response Coordinator
 - _____ Criminal Investigation Command
 - _____ Installation Provost Marshal
 - _____ Commanders in the chain of command (as appropriate)
6. _____ Ensure the CID notifies victims and witnesses of their rights through a completed Victims and Witnesses of Crime form, DD Form 2701. (Reference AR 27-10 and AR 600-20, Appendix G).
7. _____ Confer with commander's legal representative to consider legal options and responsibilities. If the subject is a Foreign National or from a Coalition Force, confer with SJA on responsibilities, options and victims rights.
8. _____ Ensure the victim is made aware of, and encouraged to exercise, their options during each phase of the medical, investigative, and legal processes.
9. _____ Determine the best courses of action for separating the victim and the subject during the investigation.
 - ☐ Determine whether the victim desires to be transferred to another unit.
 - ☐ Determine if the suspect needs/desires to be transferred to another unit.
 - ☐ A Military Protection Order (MPO) (DD Form 2873), referred to as "no contact orders" may be considered.
 - ☐ Coordinate with sexual assault resources and chain of command (involve as few people as possible and only on a need to know basis,

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ROUTINE USE(S): None

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protecting the victim's privacy) to determine if the victim's condition warrants redeployment/reassignment.

10. _____ Confer with servicing SJA office to consider pretrial options and responsibilities to include the possibility of pretrial restraint (including a no contact/military protective order) and appropriate disposition of the alleged offense.
11. _____ Flag (suspend favorable personnel actions) any Soldier listed as a subject in a CID report of investigation IAW AR 600-8-2, and suspend the Soldier's security clearance IAW AR 380-67. Flags are not to be removed until disposition of the offenses to include completion of punishment.
12. _____ Inform the victim of the resources in theater that is available to them through the Victim and Witness Assistance Program (VWAP) (AR 27-10). Also, inform the victim of resources that are accessible from the Area of Operation, (i.e. Military One Source (International: 1-800-464-8107 or International collect: 484-530-5889, 24-hour-a-day, 7-day-a-week); DoD Deployment Health Support Hotline (1-800-497-6267 from 0900-2100 hours, Monday through Friday).
13. _____ Update the status of the victim and subject(s) within 14 calendar days and on a monthly basis thereafter, to the battalion or higher-level commander until the case is officially closed. If the victim or subject is transferred or redeployed prior to the case closing, coordinate with investigative and SJA personnel before ceasing monthly updates on parties involved.
14. _____ Initiate follow-up with the victim within 45 days after disposition of the case.
15. _____ Ensure unit personnel are abreast of risk factors associated with sexual assault, especially those risk factors unique to the deployed environment.
16. _____ Ensure battalion commander updates the victim on the status of his/her case within 14 calendar days of the initial report and then on a monthly basis thereafter with a final follow-up within 45 days after disposition of the case.
17. _____ Ensure victim advocate is notified of any changes in the victim's location (to another unit, PCS, or ETS) one week prior to the change to ensure there is no lapse in services provided.
18. _____ Notify the Sexual Assault Response Coordinator (SARC) prior to the movement (PCS/ETS) of a suspect in a sexual assault case.

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ROUTINE USE(S): None

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